

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

GHASSAN BOUARI HOUBOUS,

Defendant.

Case No. 2:16-cr-00032-JCM-GWF

ORDER

(Mot Reopen Det – Dkt. #48)

Before the court is Defendant Ghassan Bouari Houbous' ("Houbous") Motion to Reopen Detention Hearing (Dkt. #48). The court has considered the motion and the government's Opposition (Dkt. #51).

BACKGROUND

Houbous is charged in an Indictment (Dkt. #1) returned February 3, 2016, with money laundering in violation of 18 U.S.C. § 1956(a)(3)(A) and (B), aiding and abetting, and conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(a)(3)(A) and (B). He made an initial appearance on February 8, 2016, was appointed counsel, arraigned on the indictment, and a detention hearing was held. Following the detention hearing, the court detained Houbous finding there was a serious risk that he would not appear because: (1) he was not a citizen of the United States; (2) immigration authorities had lodged a detainer against him; (3) he had substantial foreign ties to three different countries and dual citizenship in Chile and Lebanon; (4) he was married to a Turkish citizen who was currently out of the country; and (5) none of his personal information could be verified.

In the current motion he seeks to reopen his detention pursuant to 18 U.S.C. § 3142(f) based on what he argues is new information that shows he is not a flight risk. Specifically, Houbous states that Nevada attorney, Matthew Peirce, is currently working with Houbous to

1 manage his businesses and expenses and is willing to serve as a third-party custodian to ensure
2 he will appear at all required court appearances. Mr. Peirce is also willing to let Houbous stay
3 with him at his home in Las Vegas, Nevada until he can rent an apartment, which he has the
4 financial wherewithal to do.

5 The motion acknowledges that Houbous' ties are mainly in New Jersey and Florida, but
6 states he is willing to reside in Las Vegas until resolution of this case and to be placed on GPS
7 monitoring. Houbous owns a business in New Jersey and Mr. Peirce can verify his "personal
8 and business information." Houbous was lawfully in the United States at the time of his arrest,
9 and immigration status is not a factor the court is authorized to consider under 18 U.S.C. §
10 3142(g), although he acknowledges that alienage may be taken into account. The court has the
11 authority under 18 U.S.C. § 3142(d) to release someone with an immigration hold prior to trial
12 and allow him to deal with his immigration issues separately. If immigration services fails to
13 take him within ten days, then he should be treated in accordance with the other provisions of 18
14 U.S.C. § 3142 which favor release prior to trial. Finally, Houbous states that his passports are in
15 possession of employees in New Jersey, and that arrangements can be made to surrender the
16 passports to the court until the resolution of the case.


17 The government opposes the motion arguing that it "summarily claims" that attorney
18 Peirce can verify all of Houbous' personal and business information and ties to New Jersey and
19 Florida. However, the motion fails to supply any additional information which might allow the
20 government, pretrial services, or the court, to evaluate the depth of Mr. Peirce's knowledge about
21 Houbous and his affairs, or the strength of his ties to Florida and New Jersey. Government
22 counsel contacted a pretrial services officer who advised that neither defense counsel nor Mr.
23 Peirce had contacted him to update and verify any of the information contained in the previously
24 prepared pretrial services report. The motion does not describe the relationship between
25 Houbous and Mr. Peirce, or why Mr. Peirce's information was not presented at the time of the
26 initial detention hearing. Thus, his information is not newly discovered or changed
27 circumstances sufficient to support reopening of the detention hearing.

1 Cal. 1999), “courts have interpreted this provision strictly, holding that hearings should not be
2 reopened if the evidence was available at the time of the initial hearing.” *Id.* at 1206.

3 Having reviewed and considered the moving and responsive papers, the court finds that
4 Houbous has not met his burden of establishing that there is new evidence not known to him at
5 the time of the detention hearing that has a material bearing on whether there are conditions of
6 release that can reasonably be fashioned to assure his appearance at trial. Accordingly,

7 **IT IS ORDERED** that Houbous’ Motion to Reopen Detention Hearing (Dkt. #48) is
8 **DENIED.**

9 DATED this 15th day of June, 2016.

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12 PEGGY A. LEEN
13 UNITED STATES MAGISTRATE JUDGE
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